

Cedar City

10 North Main Street • Cedar City, UT 84720
435-586-2950 • FAX 435-586-4362
www.cedarcity.org

CITY COUNCIL WORK MEETING **NOVEMBER 2, 2016** **5:30 P.M.**

Mayor
Maile L. Wilson

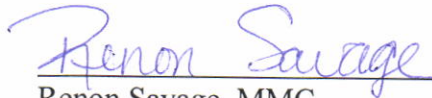
Council Members
Ronald R. Adams
Paul Cozzens
Terri W. Hartley
Craig E. Isom
Fred C Rowley

City Manager
Paul Bittmenn

The City Council meeting will be held in the Council Chambers at the City Office, 10 North Main Street, Cedar City, Utah. The agenda will consist of the following items:

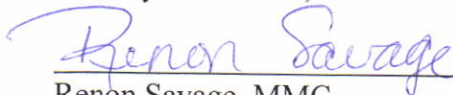
- I. Call to Order
 - a. Pledge led by Troop 1871 Hawk Patrol
 - II. Agenda Order Approval
 - III. Administration Agenda
 - Mayor and Council Business
 - Staff Comment
 - Swear in Justin Chappell & Isaac Askeroth as new Corporals
 - IV. Public Agenda
 - Public Comments
- Business Agenda
- Public
1. Public Hearing to consider disposing of City property located at the southeast corner of Cross Hollow Road and SR-56. Tyler Romeril/Kit Wareham
 2. Public Hearing to consider whether or not to amend Cedar City Ordinance 23 5o allow permanent resident in the United States the ability to apply for a liquor and retail beer license. Tyler Romeril

Dated this 31st day of October, 2016.


Renon Savage, MMC
City Recorder

CERTIFICATE OF DELIVERY:

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 31st day of October, 2016.


Renon Savage, MMC
City Recorder

Cedar City Corporation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in accessing, understanding or participating in the meeting, please notify the City not later than the day before the meeting and we will try to provide whatever assistance may be required.

**CEDAR CITY
COUNCIL AGENDA ITEM 1
STAFF INFORMATION SHEET**

Council Meeting Date: November 2, 2016

Presenter: Dave Weeks- Realtor

City Staff Contact: Kit Wareham/865-5119

Request: Consideration to dispose of a parcel of City property at the Southeast Corner of SR-56 and Cross Hollows Road, Approximately 0.54 Acres (See attached map)

Request Explanation: Amerigas has expressed interest to obtain the property shown as hatched on the attached map. (this is property the City purchased from Amerigas 13 years at cost of \$2.23 per square foot). The approximate area of the property is 0.54 Acres, which does not include the railroad spur right-of-way. If the property is sold the City needs to retain a 20 foot wide public utility easement along Cross Hollow Road on the west side of the property.

In order to dispose of City property, both the Planning Commission and the City Council must first approve it for disposal. The Planning Commission did recommend the disposal of the property in their 10/4/16 meeting. If approved for disposal by the City Council, the City Council then considers bids or proposals for the disposal based on an appraisal to establish a value. Attached is also a check list used for the disposal of City property.

R/W FENCE 89°46'30"E

W-0121985

576°51'07" W 148.39' 584°11'56" W 156.22'
 B-3-8-3
 457975
 576°53'35" W 126.29' 586°54'26" E 173.77'

R/W FENCE 89°46'30"E

576°51'07" W 148.39' 584°11'56" W 156.22'
 B-3-8-3
 457975
 576°53'35" W 126.29' 586°54'26" E 173.77'

109259-815
102242872
(REP B/C)

580'36" 01" W

WEST

31.20 (OFFICE)

DEAD

ED TO UNO

1 DEBCE
IT/BK/2234

7-5891

51°25'W

47
DOT BK A3

U
(N897
5/1/88

**LOS ANGELES & SALT
LAKE RAILROAD CO.**

SA-B-1164-1-1
#791051

0.06 AC. M/L

REFER TO S-14

(R01015)
#9000131

0.898 A/C M,
BK 558/140,
0.898 A/C M,
BK 558/140,
0.898 A/C M,
BK 558/140,

#38445
1.473 Ac.
BK 1017/80

256.35'

S52°43'30"W
N62°00'00"E

N89°49'08"E
LEAS

REIF B. KEPP
TRUST, JULY 2
und 1/2 Int

0.60.00N

JIM PA
DEVELC

TRUSTEE OF 1
THOMSON FAN
TRUST DTD 1,
UND. 1/2 INT

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11/18/73

✓

B-1573
#142528
161 AC

**JIM PA
DEVELI**

00S

BK 1256 /

15.50

DISPOSAL OF CITY PROPERTY CHECKLIST

Location of Property Being Disposed of: _____

Zone _____ Proponent: _____ Engineer if Applicable _____

Criteria/Comments

Development Stage Checked Item/Details

Approved N/A

A. Meet with City Engineer

1. Obtain & Discuss

A) Ordinances & Process

1) Location

2) Zoning

B) Checklist

C) City Maps

D) City Standards

E) Master Plan

F) Application Forms

B. Sketch meeting (1 month before Planning Commission) (1st & 3rd Thursdays)

1. Required Documents

A) Location map of Property

C. Planning Commission/Recommendation

1) P.C. Fees paid

2) (1st or 3rd Tuesday, PDF map)

D. City Council Approval/Disapproval to Dispose

\$25 Application Fee

Approval good for 2 years

<u>Development Stage</u>	<u>Checked Item/Details</u>	<u>Approved</u>	<u>Criteria/Comments</u>	pg. 2
E. Order and Receive Appraisal		_____	_____	Ordered by City- Paid by Buyer
F. Advertise Disposal of Property		_____	_____	Ordered by City- Paid by Buyer
G. Receive and Review Bids		_____	_____	_____
1. City Council Public Hearing		_____	_____	_____
2. Accept or Reject Bids in Council Meeting		_____	_____	_____
H. Deeds		_____	_____	By Buyer According to Minor Lot Checklist
1. Complete Minor Lot process if required		_____	_____	_____
2. Deeds reviewed by City Surveyor		_____	_____	_____
3. Deeds Signed		_____	_____	_____
I. Money Received for Property, Advertisements and Appraisal		_____	_____	_____
J. Recording		_____	_____	By City
1. Record Deeds		_____	_____	_____

CEDAR CITY COUNCIL

AGENDA ITEM – 2

TO: Mayor and City Council
FROM: Tyler Romeril
DATE: October 28, 2016
SUBJECT: Amending the City's Liquor License (23-11(C) & (D)) and Retail Beer License (23-12(F)) qualifications to allow licensure without proof of United States citizenship.

DISCUSSION:

Currently, to qualify for a Liquor License in Cedar City, an applicant must meet all the requirements contained under 23-11(C) & (D).

Cedar City Ordinance 23-11(C) & (D) states:

(C) Each application for an annual license provided for by this Section shall be accompanied with a fee of \$50.00. Applications for this license shall be an affidavit and shall be sworn to by the applicant. Such affidavit shall show applicant's age, citizenship, moral character and reputation, and any conviction of a felony or misdemeanor involving moral turpitude and list a banking reference and two character references. The applicant shall also provide a BCI background check, meaning an original or copy, dated no older than 180 days prior to the date of the application, of a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the permit applicant. If the applicant is a partnership, limited liability company, corporation, or other type of association, the same information shall be obtained with respect to each partner, member, corporate officer or director, and any other person holding a twenty percent (20%) or greater interest in the ownership in the partnership, limited liability company, corporation, or association.

(D) Each licensee must be over 21 years of age, of good moral character and a citizen of the United States. No license shall be granted to any applicant who has been convicted of a felony or misdemeanor involving moral turpitude. If the applicant is a partnership, association or corporation, each partner, association member, corporate director or officer shall meet all of the foregoing qualifications.

Currently, to qualify for a Retail Beer License in Cedar City, an applicant must meet all the requirements contained under 23-12(F).

Cedar City Ordinance 23-12(F) states:

(F) Qualifications of Licensee. No person shall be granted a retail beer license until they show they are of good moral character, are over the age of 21 years, a citizen of the

United States, and have not been convicted of any crime listed in Subsection 32A-10-203(1), Utah Code Annotated, 1953 as amended.

Recently there has been some interest expressed by Citizens of our City to amend our current ordinances to allow both Liquor and Retail Beer Licenses without requiring proof of United States citizenship. This request was based upon the fact that various Southern Utah cities and Salt Lake City do not require proof of United States citizenship in their application process for licensure, nor does the Department of Alcoholic Beverage Control (DABC).

In researching this issue I came across two conflicting laws:

- UCA 32B-5-201(3)(b) which governs the DABC only requires proof of "lawful presence in the United States" UCA 32B-5-201(3)(b), therefore, to grant a license, a permanent resident would qualify under their governing laws.

vs.

- UCA 11-10-2(1)(a) which governs cities, states that "A license may not be granted unless the licensee is of good moral character, over the age of 21 years, and a citizen of the United States;" Furthermore, UCA 11-10-2(2) states that "The local authority shall, before issuing licenses, satisfy itself by written evidence executed by the applicant that the applicant meets the standards set forth."

As you can see the state laws governing the DABC (a state entity) and Cedar City (a municipal entity) conflict with one another when it comes to the requirements need to qualify for a Liquor and Retail Beer license. It makes no sense that the DABC can issue a license to non-citizens but a city can't. It appears that other cities have handled this legal inconsistency by not abiding by the requirements contained under UCA 11-10-2, and have followed the requirements found under 32B-5-201.

The surest legal ground that the City can stand on would be to follow UCA 11-10-2 and require United States citizenship of its license applicants. If the City wants to change our ordinance, then we should try to change the State law first.

Mayor and City Council please consider whether it is in the City's best interest to keep the current ordinance on Liquor and Retail Beer license requirements, or to amend the ordinance to allow a permanent resident the ability to qualify for a license as well.

SECTION 23-9. Regulation of Specific Businesses; Required License and Fees.

All businesses specifically set forth in the following Subsections shall pay the fee required therein in lieu of the general license required in Section 23-7 above, unless otherwise set forth therein.

In connection with the issuance of a license to any of those businesses in this Section for which the posting of a cash or corporate surety bond is required in addition to the regular license fee, said bond shall be deposited with the City Treasurer. In the event of a surety bond, the bond shall run to the City with a surety acceptable and approved by the City License Officer. The bond shall indemnify and run to Cedar City and any person injured or damaged through dealing with said licensee or its employees or agents and shall be in full force and effect for the term of the license issued. It shall be conditioned on the fact that the bonded licensee will fully comply with all the provisions of the ordinances of Cedar City and the statutes of the State of Utah regulating and concerning the conduct of the business contemplated, will not practice any fraud, deceit or make any material misrepresentation of fact with reference to merchandise or services sold, and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence or wrongful act on the part of the licensee or his agents or employees. The amount of the bond shall be as specified in the following Subsections. Action on such bond may be brought in the name of the City for its own benefit to the use or benefit of the aggrieved persons, or an action on the bond may be brought in the name of the person injured by the negligent, ~~wilful~~ willful, malicious or wrongful act of the principle, his agent, servant or employee in the conduct of a licensed business.

A property bond in the form of a recorded lien on real property may be accepted by the City License Officer on property in Iron County, Utah, having an equity in excess of \$25,000.

Proof of renewal of any bond, if other than cash, must be presented each time a license is renewed. Upon surrender or expiration of the license, the bond shall be refunded or exonerated, provided there exists no violations of the City or State laws during the conduct of the business, and there are no aggrieved persons wishing to make claim against the bond. For purpose of making determination of the existence of violations, or of aggrieved persons, the City License Officer may delay refunding or exonerating the bond for a period of up to 90 days following the surrender or expiration of the license. In the event of revocation of a license, the City License Officer may retain all or any part of the bond to recover City expenses caused by the licensee's violation or incurred in the investigation of a proven violation leading to a suspension or for other purposes set out in this Section.

Any licensee for whom a bond is required shall set forth on a form prescribed by the License Officer the designation of agent for Service of Process, said agent to be a resident of Iron County.

(A) Pawn Brokers, Swap Meets, Second-Hand Dealers. Pawn brokers, swap meet operators, and dealers in second-hand merchandise shall pay the general license fee required by Section 23-7 above.

Any person engaged in the business of lending money upon deposit or pledge of personal property or other thing of value, other than securities and printed evidence of indebtedness, or in the business of purchasing personal property or things of value or selling or agreeing to sell the same back to the seller at a price higher than the original purchase price, or who deals in second-hand merchandise, or who operates a swap meet where booths or areas are leased out to peddlers or individuals wishing to sell items of personal property, either new or used, shall be aware of all merchandise purchased, received, sold or otherwise, forming a part of the business transacted on the premises, and shall comply with the requirements of State law, including Sections 11-6-1, 13-32a-101 through 13-32a-114, 13-32-101 through 107, and 76-6-408, Utah Code Annotated, 1953 as amended, to insure that no stolen merchandise is the object of any transaction.

Swap meet operators shall keep a complete record of names, residences and driver's license numbers of each person selling or displaying merchandise.

All pawn brokers shall keep a complete ledger containing all information required by Sections 13-32a-104 and 76-6-408, Utah Code Annotated, 1953 as amended, including an account of each and every transaction concerning both the pledging and redeeming of articles, and setting forth the transaction date, name, address and the driver's license number of the pledger, a description of the goods, including serial number if any, the amount of money loaned or paid therefore, and the number of the pawn ticket. A copy of said record shall be provided to the City Police Department weekly.

Every person applying for a license as a pawn broker shall be required to post a cash or corporate surety bond to the City in the amount of five-thousand dollars (\$5,000) acceptable to the License Officer conditioned upon faithful observance of all ordinances and laws respecting pawn brokers.

No person shall be granted a pawn broker's license unless they are over the age of 21 years and a citizen of the United States, nor anyone who has been convicted of a felony or a crime involving moral turpitude within the previous ten-year period.

(B) Amusement Devices. Any machine, device, electronic mechanism or other contrivance which is legal under the laws of the State of Utah and Cedar City, designed or intended to be operated or used for amusement in response to the payment of some charge or insertion of a coin or other object, shall be licensed under the general license fee required by Section 23-7 above. A separate license shall not be required for each machine, device, mechanism or other contrivance, but a separate license shall be required for each separate location where one or more is located for commercial use, if the amusement device is intended to remain or does remain at that location for one week or more during the license year.

(C) Billboard Advertising. Every person engaged in the business of supplying space for hire for outdoor advertisement shall pay a license fee of fifty dollars (\$50.00) annually, together with a twenty-five dollar (\$25.00) annual fee for each billboard owned or operated within Cedar City, Utah, with a maximum fee of four hundred dollars (\$400.00).

(D) Dance Hall. A public dance hall is any public space open to public patronage in which a public dance is held and for which there is a charge for admission. A license fee for a public dance shall be one hundred dollars (\$100.00) per year, or any part thereof, in addition to any other license fee charged. No license is required for dances conducted by schools, whether public or private, if admission is generally limited to students and alumni and their guests.

(E) Itinerant Merchandising of Goods or Services. Transient or itinerant merchant includes any person whether as owner, agent, consignee or employee, whether a resident of Cedar City or not, who engages in the business of selling and delivering of goods, wares and merchandise within Cedar City on a temporary basis, and who in furtherance of such business hires, leases, uses or occupies any approved building structure, public room in hotels or motels, lodging houses, apartments, shops or other approved structure or location within Cedar City, for the exhibition and sale of such goods, merchandise, wares or services. Temporary structures will be permitted subject to the following conditions:

1. The structure is located by written permission of the underlying property owner; and
2. Any issues relating to health, safety and welfare (i.e. trash receptacles, restrooms) are in compliance as required by the City Code Enforcement Officer.

Itinerant businesses of any type including merchants, operators of closing-out sales, hawkers, tradesman, repairman, home improvement contractors, or any others who are deemed by the City License Officer to be transients by reason of the period of time in which they intend to engage in such business in the City, shall pay the license fee of:

- (1) Day Permit Fee \$25.00
- (2) Week (7 day) Permit Fee \$ 50.00
- (3) Fourteen day Permit Fee \$ 75.00
- (4) Three-Month Business License Fee \$150.00

In addition to the above schedule, they shall pay a license fee of \$23.00 for each employee beyond the first employed in said business. Day, week and fourteen-day permits for a total of fourteen days may be issued during any calendar year. Thereafter, a three-month business license must be purchased if a licensee continues operation.

All other requirements of this Chapter shall be applicable.

Any person who the License Officer deems to be an itinerant merchant by reason of transience shall provide upon request of the License Officer at the time of application information relative to type and location of previous business experience, moral character and reputation, felony or misdemeanor convictions if any, and such information as may be reasonably required. In addition, the License Officer may require applicants to demonstrate origin of goods through bills of sale, purchase receipts or otherwise.

The applicant shall supply a statement of the nature of the services, goods or merchandise and examples of coupon books or discount cards for those intending to sell coupons or discount cards. The applicant must produce, at the time of application, a site plan of the location where

the business shall be conducted, and either a letter of permission or a copy of a lease agreement from the owner of the property where such business shall be conducted. In addition, a cash or original corporate surety bond shall accompany the application in the amount of \$2,000.

(F) Junk Dealers and Junk Yards. Every person buying or selling junk, or any person who maintains or operates a junk yard within Cedar City shall pay a license fee of \$150.00 per year. Anyone who maintains a lot for purposes of storing used metal material, wood material, cement material, rock, plastic material, auto bodies or parts thereof, or refuse material of any kind for the purpose of reselling all or any part thereof to the public shall be considered to be a junk dealer or operator of a junk yard.

Any person engaged in buying or selling junk or any person who maintains or operates a junk yard shall keep a record which shall contain all information required by Section 76-10-907, Utah Code Annotated, as amended, including a description of every article they purchase, including serial number if available, the name, age and residence of the vendor, the amount paid, and the date of purchase. Said record shall at all times be open to inspection by City Police Department and by any City official.

(G) Fireworks. Every person engaged in the business of offering fireworks for sale as allowed by Section 18-2 of City Ordinance shall be required to pay a business license fee in the amount of \$200.00

(H) Auctioneers. The fee for an auctioneer's license shall be \$100.00 per year or \$25.00 per day.

For the purpose of this Subsection, an auctioneer is a person who conducts a public competitive sale of property to the highest bona fide bidder, and an auction house is defined as a place where personal property is sold at auction by an auctioneer. The provisions of this Subsection shall not apply to auctions held for charitable purpose, church affair, festival or bazaar, the sale of animals or farm produce, judicial sales, sales by executors or administrators, or sales by the Sheriff or constable.

Before any sale is made at auction, the licensee must attach to each article to be sold which has a retail value of \$5.00 or more a card with an identifying number endorsed thereon, and each licensee shall maintain a list of all articles sold at auction for a retail price of \$5.00 or more, giving any identifying numbers or marks which may be on the articles, indicating opposite the description of each article whether it is new or used, showing the identifying number assigned to the article, the name and address of the purchaser, and the date of sale. The licensee shall keep said list for a period of one year following the date of sale.

Each licensee shall at the time of selling an article at public auction give the purchaser a receipt which shall contain the name of licensee, date of sale, description of article sold and identifying number assigned to the article.

No person shall act in any sale by auction as a "booster" to bid on behalf of the auctioneer or owner, except as specifically allowed by Utah law, or to run up the price of the articles to be

sold or make any false bids. The licensee, or if a corporation, one of the officers of the licensee, shall remain in continuous attendance during the auction. All persons participating in sales must correctly represent at all times to the public the facts with respect to the quality of the merchandise being sold.

It shall be the duty of the licensed auctioneer to receive all articles which may be offered for sale at auction and give receipts therefore. At the close of any sale, the auctioneer shall deliver a fair account of such sales and pay the amount received for such articles to the person entitled thereto.

A licensee under the provisions of this Subsection shall post a corporate surety bond to the City as surety in the sum of \$10,000.00 acceptable to the License Officer conditioned upon faithful observance of all laws and ordinances of the City, honest performance of all duties required by this Chapter and for the protection of all persons dealing with such auctioneer against fraud, deception and imposition.

(I) Produce Peddlers. The fee for a permit for a farm peddler to carry on the business of peddling shall be in accordance with Section 23-7 above.

For the purpose of this Subsection, a produce peddler is defined as any person who goes from place to place to solicit for the sale of or offers to sell or exchange for retail at a single location in Cedar City any garden or farm produce, fruit, butter, or eggs, or any person keeping produce, goods, wares or merchandise of the kind described herein in a private residence and/or soliciting trades therefore in person, by agent or by telephone.

Nothing in this Subsection shall be construed to permit the peddling of fresh or cured meat or fish, and the peddling of the same is hereby prohibited. The provisions of this Subsection shall not apply to persons peddling or offering for sale at their residence or farm any butter, eggs, fruit, vegetables or poultry raised or produced by such persons.

Peddlers are hereby prohibited from displaying their wares outside of their vehicle on public streets and sidewalks within Cedar City.

(J) Special Events, Exhibitions, Concerts and Performances. Any individuals or groups putting on performances, exhibitions, concerts or other entertainment activities, fairs, or displays for which a fee may or may not be charged either to the public or to the hiring entity, including but not limited to musical aggregations, circuses, carnivals, rodeos, fight promoters, racing promoters, demolition derbies, live shows and entertainers of any kind shall obtain a license.

All individuals or groups coming under this Subsection shall obtain a license for each particular event during which they present a public performance, concert, exhibition, fair, live show, or entertainer.

Should the licensee provide for the opportunity for other sub-licensees to participate in the activity by way of contracting, encouraging, or requesting the participation of sub-licensees who will be conducting business related activities, a permit must be submitted for each sub-licensee

and a fee of \$5.00 for each sub-licensee shall be submitted with the application and payment of the license for this special event activity. Should the licensee promoting this event be exempt from paying a business license fee, this Section in no way relieves the licensee of the obligation to comply with all other terms in this Chapter.

The fees shall be as follows:

- (1) Exhibitions and Performances:
For Exhibitions and performances, the license fee shall be \$50.00 for each 24-hour period during which such performance or exhibition is presented.
- (2) Carnival, Circus or Parts Thereof:
 - (a) The license fee for any type of carnival or circus shall be \$300.00 for each day's performance.
 - (b) The license fee for operating mechanical or animal rides shall be \$25.00 for the first week in addition to any other fees required herein. Thereafter they shall be licensed in accordance with Section 23-7.

A license pursuant to this Section shall not be issued until arrangements are made to conduct such activity on private property, unless the licensee has received express written permission to conduct such activity on public property designated for such activities, and until liability insurance acceptable to the City in accordance with AM Best Rating is provided in the sum of \$1,000,000 dollars per occurrence, \$500,000 per person, and \$250,000 for property damage, which shows on its face the condition to protect and indemnify Cedar City against any loss or liability arising from such activity.

(K) Alarms. No person shall engage in the business of selling, leasing, monitoring, maintaining, repairing, altering, replacing, removing or installing an alarm system until, in addition to complying with other requirements of this Chapter, the applicant shall provide to the License Officer verification of compliance with the Utah Construction Trades Licensing Act, Sections 58-55-101 through 58-55-604, as amended.

Both users of alarm systems and alarm companies shall comply with all guidelines established by the Department of Public Safety. False alarms are costly and dangerous because they divert Police Officers from calls which may be real emergencies; therefore, to discourage repeated false alarms, a service fee will be assessed by the City to the user of said alarm system for responding to false alarms as follows:

- (1) Three false alarms per calendar year or any portion thereof -- No Charge.
- (2) Fourth through the tenth false alarms within a calendar year will be assessed (\$50.00).

- (3) Eleventh and each subsequent false alarm within a calendar year will be assessed (\$200.00).

Each alarm system shall make an effort to have a responsible party available to meet police officers in a timely manner when an alarm has been activated.

Any violations of the provisions hereof or any regulations promulgated by the Department of Public Safety or the Construction Services Commission may result in a petition to revoke or suspend the right of an individual to maintain their business license as set forth in Sections 58-55-101 through 58-55-604, Utah Code Annotated, 1953 as amended.

(L) Christmas Tree Sales Lots. A license for operating a Christmas tree sales lot on a seasonal basis in Cedar City shall be required, at the fee of \$35.00 unless the Christmas tree lot is operated by a non-profit organization, in which event there shall be no fee for the license, however a license must be obtained.

License requirements in addition to the usual requirement. No license shall be issued to an applicant for a Christmas tree sales lot without first providing full information to the City License Officer as to the source of the Christmas trees and other merchandise to be sold. In the event any tree is to be cut or procured from within the public domain of the United States or the State of Utah, or from any private lands within or without the State of Utah, evidence, pursuant to Subsection 78-38-45(2), Utah Code Annotated, 1953 as amended, must be shown to the City License Officer of the applicant's right and authority to cut and remove such trees. Thereafter, the License Officer shall have the right to inspect the trees sold by the licensee from time to time to verify they are from the source indicated by the application, and if from public domain of the United States, or the State of Utah, that they contain the proper tag or other marking authorizing their removal from such land. An applicant for a Christmas tree sales lot license shall agree to properly and thoroughly clean the sales area following the sales, and dispose of all unsold trees, rubbish and debris in a manner satisfactory to the City License Officer.

(M) Horse Drawn Carriage Operations. Horse drawn carriage businesses, applicants or corporations shall enter into an agreement defining the conditions, terms, routes and other items specified by way of resolution adopting such agreements for operation of horse drawn carriage businesses. Such operations shall comply with the business license ordinance in addition to the agreement drafted and adopted by resolution.

(N) Restaurants. No business license shall be issued or renewed to operate a food service establishment until the establishment has been inspected and the applicant issued a valid food service establishment permit or registration as required by the Health Department. Food service establishment shall mean any fixed or mobile restaurant, coffee shop, cafeteria, cafe, grill, tea room, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial feeding establishment, private, public or non-profit organization or institution routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided to the public with or without charge.

(O) Ice Cream Vehicle Operations. For the purpose of this Subsection, an Ice Cream Vehicle is defined as a motor vehicle engaged in the curbside vending or sale of frozen and/or refrigerated desserts, confections, or novelties commonly known as ice cream, pre-packaged candies, pre-packaged snack foods, or soft drinks.

It shall be unlawful for any owner or operator of an Ice Cream Vehicle to pursue the business of Ice Cream Vehicle Operations within a one-block radius of a school building for that period of time fifteen (15) minutes prior to when the schools are in session and continuing through and until twenty (20) minutes after the school session has ended, or when student activities are in progress, or in public parks or play grounds. Owners and operators of an Ice Cream Vehicle are hereby prohibited from displaying their wares outside of their vehicle on public streets and sidewalks within Cedar City.

(P) Retail Tobacco Specialty Businesses. For purposes of this ordinance the following terms shall have the following definitions:

1. “Community location” means: (a) a public or private kindergarten, elementary, middle, junior high, or high school; (b) a licensed child-care facility or preschool; (c) a trade or technical school; (d) a church; (e) a public library; (f) a public playground; (g) a public park; (h) a youth center or other space used primarily for youth oriented activities; a public recreational facility; or a public arcade.
2. “Retail tobacco specialty business” means a commercial establishment in which: (a) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment; (b) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and (c) the establishment is not licensed as a pharmacy under State Law.
3. “Tobacco Product” means: (a) any cigar, cigarette, or electronic cigarette as defined by state law; (b) a tobacco product defined under state law including chewing tobacco or any substitute for a tobacco product, including flavoring or additives to tobacco; and (c) tobacco paraphernalia as defined by state law.

THIS SECTION AMENDED BY CEDAR CITY ORDINANCE NO. 0925-13-1.

A business entity that conducts, or intends on conducting, a retail tobacco specialty business in Cedar City shall comply with the provisions of this ordinance, pay the general business license fee established herein, and obtain a retail tobacco specialty business license.

No license for a retail tobacco specialty business may be issued if the retail tobacco specialty business is located within: (a) 1,000 feet of a community location; (b) 600 feet of another retail tobacco specialty business; (c) 600 feet of property zoned or used for either agriculture or residential purposes; or (d) any other requirement included in state law. For purposes of this ordinance the proximity requirements shall be measured in a straight line from the nearest

entrance of the retail tobacco specialty business to the nearest property boundary of: (a) the community location; (b) another retail tobacco specialty business; (c) property used or zoned agricultural; (d) property used or zoned residential, or; (d) other such uses or zones that may be specified in state law. Said measurement shall be made without regard to intervening structures or zoning districts.

The provisions of this ordinance shall not apply to retail tobacco specialty businesses operating in Cedar City prior to May 8, 2012, if they maintain a business license without relapse or revocation, the business is not closed for more than 60 consecutive days, the business does not substantially change its operation, and the business continues to operate in accordance with federal law, state law, and city ordinance.

SECTION 23-10. Rental Dwelling License.

(A) Definitions: The following definitions are applicable to this Section:

(1) Owner Occupied.

- (a) A natural person who possesses fifty percent (50%) ownership or more in the dwelling and said dwelling is the primary residence of such person; or
- (b) A family trust created for the primary purpose of estate planning by one or more trustors who create the trust, place the dwelling in such trust, and whose primary residence is such dwelling.

(2) Property Owner. An individual, corporation, partnership, association, joint stock company, business trust, or any unincorporated organization that is the owner of a rental dwelling or has a financial interest in the rental dwelling.

(3) Rental Dwelling. A building or portion of a building that is:

- (a) used or designated for use as a residence by one or more persons; and
- (b)
 - (i) available to be rented, loaned, leased, or hired out for a period of one month or longer; or
 - (ii) arranged, designed, or built to be rented, loaned or hired out for a period of one month or longer.

(B) License Required.

- (1) It is unlawful for any person to keep, conduct, operate, or maintain a rental dwelling within the City without a Rental Dwelling Business License for such dwelling. A person who owns multiple rental dwellings is not

required to obtain more than one business license for the operation and maintenance of those rental dwellings.

- (2) A Rental Dwelling Business License is not transferrable between persons or structures. Any person holding such license shall give written notice within thirty (30) days to the License Officer after having transferred or otherwise disposed of legal or equitable control of any rental dwelling licensed under this Section. Such notice of transferred interest shall be deemed a request to cancel an existing Rental Dwelling Business License for such rental dwelling(s) and shall include the name, address, and information regarding the person(s) succeeding to the ownership or control thereof. No refund or rebate shall be issued for any license cancelled under this provision, except where ownership is transferred for one of the reasons listed in Subsection 23-7(D)(2). The new owner shall obtain a Rental Dwelling Business License as required by this Section.
- (3) A Rental Dwelling Business License shall not be required for a dwelling unit that is ordinarily owner occupied but is temporarily rented because:
 - (a) the owner is placed in a hospital, nursing home, assisted living facility, or other similar facility, or
 - (b) the owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service. Indefinite periods of absence from the dwelling shall not qualify for this exception.

(C) License Application. An application for a Rental Dwelling Business License shall conform to all applicable requirements of Section 23-6 and shall include the following additional information:

- (1) the address of each building containing rental dwellings which are owned, operated, or maintained by the applicant;
- (2) the number of rental dwelling units in each building;
- (3) the occupancy status of each rental dwelling unit at the time of application;
- (4) the number of parking spaces provided on the premises;
- (5) if the owner of the rental dwelling is not a Utah resident, the name, address, and both home and business telephone numbers of a legal representative and agent who resides in the State of Utah for service of process;

- (6) the name, address, and both home and business telephone numbers of a local agent who:
 - (a) resides not more than thirty (30) miles from the rental dwelling(s), and
 - (b) is authorized to manage the rental dwelling(s);
- (7) proof of liability insurance for the rental dwellings to be licensed; and
- (8) the signature of the owner of the rental dwellings(s):
 - (a) certifying, to the best of his or her knowledge or belief, that the use and occupancy of the rental dwelling(s) conforms to applicable local, state, and federal laws, and
 - (b) agreeing to comply with applicable laws and ordinances.

(D) License Procedure. A Rental Dwelling Business License shall be issued pursuant to the requirements of Section 23-6, except as modified by this Section.

(E) License Term. All licenses issued hereunder shall expire on January 1st of each year unless sooner canceled and shall be issued for one year only.

(F) License Fee. The fee for a Rental Dwelling Business License shall be forty dollars (\$40) per license.

(G) Effect of License Issuance. The issuance of a Rental Dwelling License shall not have the effect of changing the legal status of a rental dwelling, including, but not limited to:

- (1) legalizing an illegally created dwelling unit, use, or other circumstances, or
- (2) recognizing a nonconforming use, structure, or other nonconformity.

(H) License Denial, Suspension, or Revocation. The City may deny, suspend, or revoke a Rental Dwelling Business License for any of the following reasons:

- (1) The licensee does not meet the qualifications for a license as provided under this Chapter.
- (2) For nonpayment of all required fees for the Rental Dwelling Business License, including late fees and inspections, when applicable.
- (3) The licensee gave false or incomplete information on the licensee's application.

- (4) The licensee has allowed or intends to allow the licensed premises to be occupied or operated in a manner contrary to the conditions set forth in the license and this Chapter.
- (5) The rental dwelling does not comply with applicable Health Department regulations governing the premises, or any City, State, or federal law.

SECTION 23-11. Liquor Set-Up License.

(A) It shall be unlawful to operate an association, restaurant, club, or similar business that allows customers, members, guests, visitors, or other persons to possess liquor of which the seal has been broken, or to consume alcoholic beverages on the club, association, restaurant, or similar business premises without a business license.

(B) It shall be unlawful for a licensee, operator, employee, or any other person to store, possess, or consume any liquor in or on any place of business licensed by this Section except as allowed by the Utah Alcoholic Beverage Control Act, Title 32A, Utah Code Annotated, 1953 as amended. Persons other than the licensee, operator or employee of the licensee may, with consent of the licensee possess and consume liquor on the licensed premises to the extent authorized by Subsection 32A-4-106(14), Utah Code Annotated, 1953 as amended.

(C) Each application for an annual license provided for by this Section shall be accompanied with a fee of \$50.00. Applications for this license shall be an affidavit and shall be sworn to by the applicant. Such affidavit shall show applicant's age, citizenship or permanent resident status, moral character and reputation, and any conviction of a felony or misdemeanor involving moral turpitude and list a banking reference and two character references. The applicant shall also provide a BCI background check, meaning an original or copy, dated no older than 180 days prior to the date of the application, of a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the permit applicant. If the applicant is a partnership, limited liability company, corporation, or other type of association, the same information shall be obtained with respect to each partner, member, corporate officer or director, and any other person holding a twenty percent (20%) or greater interest in the ownership in the partnership, limited liability company, corporation, or association.

(D) Each licensee must be over 21 years of age, of good moral character and a citizen or permanent resident of the United States. No license shall be granted to any applicant who has been convicted of a felony or misdemeanor involving moral turpitude. If the applicant is a partnership, association or corporation, each partner, association member, corporate director or officer shall meet all of the foregoing qualifications.

(E) The Chief of Police or his designee shall make an examination of all applicants and shall make recommendations in writing as to whether said applicant shall be granted a license.

(F) No place of business governed by this Section shall permit the consumption of liquor on the premises by a person under the age of 21 years of age; nor shall any place of business permit any person on the premises under 21 years of age to have liquor in their possession. It shall be the affirmative duty of the place of business to ask the age of each and every person consuming liquor or having liquor in their possession on said premises. In the event of prosecution for allowing violation of this Section by a person under 21 years of age, said place of business shall be deemed prima facie to have allowed the consumption or possession of liquor as prohibited by this Section by a person under the age of 21, unless said place of business has on file a liquor permit identification card as set forth by State law.

SECTION 23-12. Beer Licenses.

(A) Definitions. The following words and phrases used in this Section shall have the following meaning:

- (1) Beer: Includes “beer,” “light beer,” “malt liquor,” “malt coolers” or “malted beverages,” and all products which contain 63/100 of one percent of alcohol by volume or 1/2 of one percent of alcohol by weight, but not more than four percent of alcohol by volume or 3.2 percent by weight, and are obtained by fermentation, infusion or decoction of any malted grain. Beer may or may not contain hops or other vegetable products.
- (2) Retailer: Any person engaged in sale or distribution of alcoholic beverages to the consumer.
- (3) “Sell,” “Sale,” and “To Sell”: Any transaction, exchange or barter whereby for any consideration an alcoholic beverage whether directly or indirectly transferred, solicited, ordered, delivered for value, or by any means or under any pretext is promised or obtained; whether done by a principal, proprietor, agent, servant or employee.
- (4) Small Brewer: Any brewer who manufactures less than 60,000 barrels of beer and heavy beer per year.”
- (5) Wholesaler: Any person other than a licensed small brewer selling beer manufactured by that brewer, engaged in the importation for sale, or in the sale of beer, malt liquor or malted beverages in wholesale or jobbing quantities to retailers.

(B) Unlawful to Sell Beer Without a License. It shall be unlawful for any person to engage in the business of selling beer at retail, in bottle or draft, within the corporate limits of Cedar City without first having procured a license from the City Council as hereinafter provided. A separate license shall be required for each place of sale and a license shall at all times be conspicuously displayed. All licenses shall comply with the Alcohol Beverage Control Act of Utah and the regulations of the Alcohol Beverage Control Commission.

(C) Retail License Privileges. Retail licenses issued hereunder shall be of the following classes, and shall carry the following privileges:

- (1) **CLASS "A":** Retail License which entitles the licensee to sell beer in original containers for off-premise consumption only in accordance with the Alcohol Beverage Control Act.
- (2) **CLASS "B":** Retail License which entitles the licensee to sell beer in original containers or on draft for on premise consumption or off-premise consumption in accordance with the Alcohol Beverage Control Act.

It shall be unlawful for any person to purchase or acquire or to have or possess for the purpose of sale or distribution, any beer except that which has been lawfully purchased from a brewer or wholesaler licensed under the privileges of the Alcohol Beverages Control Act. Unless otherwise specifically stated herein, all portions of this Section apply equally to licenses, licensees, and permit holders of both CLASS "A" and CLASS "B" businesses,

(D) Fees. Applications for a license as provided for in this Section shall be accompanied by the fees hereinafter provided, which may be set from time to time by resolution of the City Council:

Class "A" Retail License -- \$150.00 per annum or any part thereof

Class "B" Retail License -- \$250.00 per annum or any part thereof

Said fee shall be non-refundable upon approval of the retail license. Prior to approval of said license, the application fee shall be refunded upon request.

(E) Application. All applications for license authorized by this Section shall be verified and filed with the City Council of Cedar City and shall state the status of the entity (i.e. partnership, corporation); the name, address, social security number, date of birth, place of residence during the previous five years, and any felony or misdemeanor conviction of the applicant and of all partners, officers, and/or directors; a statement that applicant has complied with all requirements specified under the Alcohol Beverage Control Act; any such other information as requested by the License Officer; and a sworn statement to the effect that all facts set forth in the application are true. The applicant shall also provide a BCI background check, meaning an original or copy, dated no older than 180 days prior to the date of the application, of a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the permit applicant.

(F) Qualifications of Licensee. No person shall be granted a retail beer license until they show they of are good moral character, are over the age of 21 years, a citizen or permanent resident of the United States, and have not been convicted of any crime listed in Subsection 32A-10-203(1), Utah Code Annotated, 1953 as amended.

(G) Additional Licenses.

- (1) Except as provided by Subsection (2), no retail beer license shall be issued until the applicant has first procured all necessary licenses and permits from any State or local health board.
- (2) In the case of any State license requiring consent by the City through a City-issued license before the State license may be issued, the lack of such State license shall not prevent the issuance of a City license. The licensee shall not conduct the business authorized by the City-issued license until after the licensee has provided proof to the City that the State license has been issued.

(H) Transfer of License Prohibited. Licenses issued under this Section shall not be transferable.

(I) Restrictions. No licensee under this Section shall employ any individual under the age of 21 years of age whose primary duty is to sell alcoholic beverages. All provisions of the

Alcohol Beverage Control Act concerning age requirements for sale of alcoholic beverage must be strictly observed.

No person shall sell beer at any public dance, except if otherwise provided by ordinance. No license shall be granted to sell beer in any dance hall, except as otherwise provided by ordinance, or in the proximity of any church or school. No person shall sell beer to any person actually, apparently, or obviously intoxicated; known habitual drunkard; or known interdicted person. No person shall sell beer to any person under the age of 21 years. It shall be unlawful to sell beer, or to consume or to permit any person to consume beer on any licensed premise within Cedar City, between 1:00 a.m. and 6:00 a.m. of the same day, except as allowed by the Utah Alcoholic Beverage Control Act.

(J) Beer Handler's Permit.

- (1) Persons Required to Have Permit. All persons involved in the transaction of retail beer sales, whether CLASS "A" or CLASS "B," shall possess and display a Beer Handler's Permit while on duty. The licensees for CLASS "A" and CLASS "B" establishments shall require all of the following employees to obtain a Beer Handler's Permit from the Cedar City Police Department:
 - (a) For CLASS "A," an individual who:
 - (i) Directly supervises the sale of beer to a customer for consumption off the premises of the CLASS "A" licensee; or
 - (ii) Sells beer to a customer for consumption off the premises of the CLASS "A" licensee; and
 - (b) For CLASS "B," an individual who:
 - (i) Manages operations at the premises of the licensee engaged in the retail sale of alcoholic beverages for consumption on the premises of the licensee;
 - (ii) Supervises the serving of alcoholic beverages to a customer for consumption on the premises of the licensee; or
 - (iii) Serves alcoholic beverages to a customer for consumption on the premises of the licensee.
- (2) Application Procedure. Each person listed in Subsection (J)(1) of this Section, hereinafter "Permit Applicant," shall apply for a Beer Handler's Permit from the Cedar City Police Department as follows:

- (a) Fully and accurately complete a Beer Handler's Permit application available from the Cedar City Police Department, which shall require, among other relevant information:
 - (i) The permit applicant's name, including any aliases; home address, both street and mailing, if different; home phone number; Social Security number; and date of birth;
 - (ii) History of administrative actions, if any, against the permit applicant for a violation of any law involving the sale of an alcoholic beverage to a minor, including but not limited to warnings, suspensions, and revocations;
 - (iii) Certification that the permit applicant has not been convicted and that charges are not currently pending for any disqualifying criminal act in the State of Utah or any other state; and
 - (iv) Any other information reasonably required by the Police Department.
- (b) Provide a BCI background check. As used in this Subsection, "BCI background check" means an original or copy, dated no older than 180 days prior to the date of the application, of a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the permit applicant;
- (c) A signed copy of a waiver whereby the applicant agrees to allow the City to obtain a criminal background check, whether through BCI or otherwise, on the permit applicant for purposes of enforcement of this Chapter;
- (d) Produce acceptable photographic identification; and
- (e) Provide a certificate that the permit applicant has completed an alcohol training and education seminar required by Sections 32A-10-103 and 62A-15-401, Utah Code Annotated, 1953 as amended. If the Cedar City Police Department provides an alcohol training and education seminar that has been approved by the State of Utah, the permit applicant must provide a certificate that the permit applicant has completed the Cedar City Police Department's alcohol training and education seminar. If the Cedar City Police Department ceases to provide an approved alcohol training and education seminar, the permit applicant may provide a certificate from any State-approved alcohol training and education seminar.

- (3) New Application Deadline. All employees required to obtain a Beer Handler's Permit under Subsection (J)(1) of this Section shall apply for a Beer Handler's Permit within the deadline for completion of the alcohol training and education seminar, as provided in Subsections 32A-10-103(1) and 62A-15-401(2)(b).
- (4) Expiration of Beer Handler's Permits. All beer handler's permits either issued before or after the enactment of this provision are only valid for a period of three (3) years.
- (5) Renewal Application. All persons required to obtain a Beer Handler's Permit under Subsection (J)(1) of this Section shall be required to renew their Beer Handler's Permit prior to the expiration of their current permit. In order to renew a permit, the holder shall completely fill out an application for a beer handler permit with the Cedar City Police Department and pass a background check.
- (6) Licensee Reporting Requirements. A licensee shall inform the Cedar City Police Department of any employee possessing a Beer Handler's Permit whose employment is terminated for conduct that would be punishable under the statutes or ordinances regulating alcoholic beverages. The report shall be made within fifteen (15) days following the employee's termination.
- (7) Permit Holder Identification Badge.
 - (a) Licensees shall require each holder of a Beer Handler's Permit to wear a unique identification badge as required by Subsection 32A-10-103(3)(a), Utah Code Annotated, 1953 as amended, while engaging in or directly supervising the retail sale of beer. A unique identification badge issued by the Cedar City Police Department with or as a Beer Handler's Permit shall be used for this purpose, unless the Cedar City Police Department ceases to provide such badges.
 - (b) Licensee shall maintain a record of all current employee's unique identification badges assigned to each such employee and make such record available for immediate inspection by any peace officer or other representative of the City as required by Subsection 32A-10-103(3)(b), Utah Code Annotated, 1953 as amended.
 - (c) Any licensee that does not comply or require its employees to comply with this Subsection (6) shall pay a fine of \$250. Each day of non-compliance shall constitute a separate violation.

- (8) Qualification. The Police Department may not grant a permit or a renewal permit to any person who fails to meet the qualification requirements of Section 32A-10-203, Utah Code Annotated, 1953 as amended.
- (9) Licensee's Failure to Require Training. Any licensee that allows an employee to directly supervise the sale of beer or to sell beer to a customer without having a valid certificate that the sale of beer or to sell beer to a customer without having a valid certificate that the individual completed an alcohol training and education seminar as required by this Subsection (J) and State law, shall be subject to the administrative penalties provided below.
- (a) On a first offense, the licensee's license shall be immediately suspended until the later of:
 - (i) A showing by the licensee that he is now in compliance with State and local law, including proof of all required certifications; or
 - (ii) Ninety (90) days from the date of suspension.
 - (b) On a second or subsequent offense, the licensee's license shall be immediately suspended until the later of:
 - (i) A showing by the licensee that he is now in compliance with State and local law, including proof of all required certifications; and
 - (ii) One (1) year from the date of suspension.
 - (c) The City shall expunge from the records maintained by the City all administrative penalties imposed under this Subsection (8) for the purpose of determining future administrative penalties under this Subsection (8) if the licensee has not been found in violation of the alcohol training provisions of this Subsection (J) and State law for a period of 36 consecutive months from the day on which the licensee was last adjudicated as violating these provisions.
- (10) Violation of Law by Permit Holder.
- (a) Effect on Permittee. In addition to any criminal penalties that may be imposed, any permittee found in violation of any law involving

the sale of an alcoholic beverage to a minor shall be subject to the administrative penalties provided by Subsection 32A-10-103(4), Utah Code Annotated, 1953 as amended.

- (b) Effect on Licensee. In addition to any criminal penalties that may be imposed, any licensee whose employee is found in violation of any law involving the sale of an alcoholic beverage to a minor shall be subject to the administrative penalties provided by Subsection 32A-10-103(5), Utah Code Annotated, 1953 as amended.

(K) Denial of License or Permit. The City reserves the right to deny any application for a license or permit hereunder, pursuant to the terms of this Chapter and State law. The City Council shall further have discretion to either grant or deny a license or permit.

(L) License Suspension and Revocation.

- (1) Permitting Minors on Premises. In addition to any criminal penalties that may be imposed, any licensee, permittee, or employee of a licensee that allows a minor on premises in violation of Section 27-9 of the Cedar City Ordinances shall be subject to the administrative penalties provided by Subsections 32A-10-4(b) and (c) and 32A-10-5(b) and (c), Utah Code Annotated, 1953 as amended. For the purpose of determining administrative penalties under this Subsection (1), violations of Section 27-9 shall be counted separately from violations of Subsection 23-12(K)(9), Utah Code Annotated, 1953 as amended.
- (2) Record Expungement. The City shall expunge from the records maintained by the City all administrative penalties imposed under Subsection (1) for the purpose of determining future administrative penalties under Subsection (1) if the licensee or permittee has not been found in violation of Section 27-9 for a period of 36 consecutive months from the day on which the licensee or permittee was last adjudicated as violating these provisions.
- (3) No Refund. No refund shall be provided for the period a license or permit is suspended or revoked under this Chapter.

(M) Wholesale License. It shall be unlawful for any person to engage in the business of selling beer at wholesale within the City without first obtaining a wholesale license from the Alcohol Beverage Control Commission of Utah. However, any such wholesaler maintaining a premise within the City in connection with their wholesale business must obtain a City business license. It shall be unlawful for any wholesaler to obtain a retail beer license.

(N) Late Penalty. Any license fee due on July 1st that is paid later than August 15th of any license year shall be considered to be late and a late penalty of fifty percent (50%) of the

amount of the fee shall be added to the original amount due. If the fee is still not paid by October 1st of each year, the business shall be considered to be operating without a beer license in violation of this Chapter, subject to criminal prosecution for every day of operation after October 1st. For any license fee due on July 1st that is paid later than October 1st, the original fee, not including the previously imposed fifty percent (50%) late penalty, shall be doubled.

THIS SECTION OF CHAPTER 23 WAS AMENDED BY CEDAR CITY ORDINANCE NO. 0428-10-2 and 0708-15-1.